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10 IN THE UNITED STATES DISTRICT COURT
11 DISTRICT OF OREGON

12 D.N.,

13 Plaintiff

14 v.

15 United States of America,

16 Defendant

17 Civil No. 09-6180-AA

18 RESPONSE TO UNITED STATES' MOTION TO
19 DISMISS AND ALTERNATIVE MOTION FOR
20 SUMMARY JUDGMENT

21 Pursuant to F.R.C.P 56(b)
22 Request for Oral Argument

23 Plaintiff D.N., by and through undersigned counsel and pursuant to Rules 56(b) of
24 the Federal Rules of Civil Procedure hereby submits this Response to United States' Motion to
25 Dismiss and Alternative Motion for Summary Judgment. Plaintiff asks this Court to deny United
 States' Motion to Dismiss and Alternative Motion for Summary Judgment for the reasons stated in
 Plaintiff's Memorandum in Opposition to the same, and for the reason that Plaintiff has stated a
 claim upon which relief may be granted. Said supporting Memorandum, a Concise Statement of

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MOTION FOR SUMMARY JUDGMENT**

1 Material Facts, the Affidavit of Dan Ousley, and the Affidavit of Chris Hatfield are submitted
2 herewith.

3 Dated this 13th day of October, 2009.
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5 /s/ Chris Hatfield
6 Chris Hatfield, Attorney for Plaintiff D.N.
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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing RESPONSE TO DEFENDANT'S MOTION TO DISMISS AND DEFENDANT'S ALTERNATIVE MOTION FOR SUMMARY JUDGMENT has been made this 13th day of October, 2009, by placing copies in the United States Mail addressed to the following:

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/s/ Chris Hatfield
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